



House of Representatives

General Assembly

File No. 393

February Session, 2008

Substitute House Bill No. 5131

House of Representatives, April 3, 2008

The Committee on Human Services reported through REP. VILLANO of the 91st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT AMENDING THE STATUTES CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2008*) (a) When the Department
2 of Children and Families makes an emergency placement of a child in
3 a home, the department may request a criminal justice agency to
4 perform a federal name-based criminal history search of each adult
5 residing in the home. The results of the name-based search may be
6 provided to the department.

7 (b) No later than fifteen calendar days after the date such name-
8 based search was conducted, the department may request the State
9 Police Bureau of Identification to perform state and national criminal
10 history records checks of any adult residing in the home, in accordance
11 with section 29-17a of the general statutes. Such criminal history
12 records checks shall be deemed as required by this section for
13 purposes of said section 29-17a and the department may request that
14 such records checks be performed on an expedited basis in accordance

15 with subsection (c) of said section 29-17a. If any adult residing in the
16 home fails to provide written permission for such criminal history
17 records checks or to provide fingerprints for purposes of such checks
18 when requested, the department shall immediately remove the child
19 from the home.

20 (c) If the department denies placement or removes a child from a
21 home based on the results of a name-based search pursuant to
22 subsection (a) of this section, the adult whose name-based search was
23 the basis for such denial or removal may contest such denial or
24 removal by requesting that a full criminal history records check be
25 performed in accordance with subsection (b) of this section.

26 (d) For purposes of this section, "emergency placement" means the
27 placement of a child by the Department of Children and Families in
28 the home of a private individual, including a neighbor, friend or
29 relative, as a result of the sudden unavailability of the child's primary
30 caretaker.

31 Sec. 2. Section 17a-28 of the 2008 supplement to the general statutes
32 is repealed and the following is substituted in lieu thereof (*Effective*
33 *October 1, 2008*):

34 (a) As used in this section:

35 (1) "Person" means (A) any individual named in a record,
36 maintained by the department, who (i) is presently or at any prior time
37 was a ward of or committed to the commissioner for any reason; (ii)
38 otherwise received services, voluntarily or involuntarily, from the
39 department; or (iii) is presently or was at any prior time the subject of
40 an investigation by the department; (B) [the] a parent whose parental
41 rights have not been terminated or current guardian of [a person, as
42 defined] an individual described in subparagraph (A) of this
43 subdivision, if such [person] individual is a minor; or (C) the
44 authorized representative of a person, as defined in subparagraph (A)
45 of this subdivision, if such person is deceased;

46 (2) "Attorney" means the licensed attorney authorized to assert the
47 confidentiality of or right of access to records of a person;

48 (3) "Authorized representative" means a parent, guardian, guardian
49 ad litem, attorney, conservator or other individual authorized to assert
50 the confidentiality of or right of access to records of a person;

51 (4) "Consent" means permission given in writing by a person, [his]
52 such person's attorney or [his] authorized representative to disclose
53 specified information, within a limited time period, regarding the
54 person to specifically identified individuals or entities;

55 (5) "Records" means information created or obtained in connection
56 with the department's child protection activities or other activities
57 related to a child while in the care or custody of the department,
58 including information in the registry of reports to be maintained by the
59 commissioner pursuant to section 17a-101k, [provided records which
60 are not created by the department are not subject to disclosure, except
61 as provided pursuant to subsection (f), (l) or (n) of this section] as
62 amended by this act;

63 (6) "Disclose" means (A) to provide an oral summary of records
64 maintained by the department to an individual, agency, corporation or
65 organization or (B) to allow an individual, agency, corporation or
66 organization to review or obtain copies of such records in whole, part
67 or summary form;

68 (7) "Near fatality" means an act, as certified by a physician, that
69 places a child in serious or critical condition.

70 (b) Notwithstanding the provisions of section 1-210 of the 2008
71 supplement to the general statutes, 1-211 or 1-213, records maintained
72 by the department shall be confidential and [shall not be disclosed.
73 Such records of any person] may only be disclosed, in whole or in part,
74 to any individual, agency, corporation or organization with the
75 consent of the person or as provided in this section. Any unauthorized
76 disclosure shall be punishable by a fine of not more than one thousand

77 dollars or imprisonment for not more than one year, or both.

78 [(c) When information concerning an incident of abuse or neglect
79 has been made public or when the commissioner reasonably believes
80 publication of such information is likely, the commissioner or the
81 commissioner's designee may disclose, with respect to an investigation
82 of such abuse or neglect: (1) Whether the department has received a
83 report in accordance with sections 17a-101a to 17a-101c, inclusive, or
84 section 17a-103, and (2) in general terms, any action taken by the
85 department, provided (A) the names or other individually identifiable
86 information of the minor victim or other family member is not
87 disclosed, and (B) the name or other individually identifiable
88 information of the person suspected to be responsible for the abuse or
89 neglect is not disclosed unless the person has been arrested for a crime
90 due to such abuse or neglect.

91 (d) The commissioner shall make available to the public, without
92 the consent of the person, information in general terms or findings
93 concerning an incident of abuse or neglect which resulted in a child
94 fatality or near fatality of a child, provided disclosure of such
95 information or findings does not jeopardize a pending investigation.]

96 (c) Notwithstanding any provision of the general statutes, records
97 that (1) contain privileged communications, or (2) are confidential
98 pursuant to any federal law or regulation shall not be disclosed, except
99 as authorized by law.

100 (d) Any information disclosed from a person's record shall not be
101 disclosed further without the written consent of the person, except if
102 disclosed pursuant to an order of a court of competent jurisdiction.

103 (e) The commissioner shall, upon written request, disclose the
104 following information concerning agencies licensed by the Department
105 of Children and Families, except foster care parents, relatives of the
106 child who are certified to provide foster care or prospective adoptive
107 families: (1) The name of the licensee; (2) the date the original license
108 was issued; (3) the current status of the license; (4) whether an agency

109 investigation or review is pending or has been completed; and (5) any
110 licensing action taken by the department at any time during the period
111 such license was issued and the reason for such action, provided
112 disclosure of such information will not jeopardize a pending
113 investigation.

114 [(f) The commissioner or the commissioner's designee shall, upon
115 request, promptly provide copies of records, without the consent of a
116 person, to (1) a law enforcement agency, (2) the Chief State's Attorney,
117 or the Chief State's Attorney's designee, or a state's attorney for the
118 judicial district in which the child resides or in which the alleged abuse
119 or neglect occurred, or the state's attorney's designee, for purposes of
120 investigating or prosecuting an allegation of child abuse or neglect, (3)
121 the attorney appointed to represent a child in any court in litigation
122 affecting the best interests of the child, (4) a guardian ad litem
123 appointed to represent a child in any court in litigation affecting the
124 best interests of the child, (5) the Department of Public Health, which
125 licenses any person to care for children for the purposes of
126 determining suitability of such person for licensure, subject to the
127 provisions of sections 17a-101g and 17a-101k, (6) any state agency
128 which licenses such person to educate or care for children pursuant to
129 section 10-145b or 17a-101j, subject to the provisions of sections 17a-
130 101g and 17a-101k concerning nondisclosure of findings of
131 responsibility for abuse and neglect, (7) the Governor, when requested
132 in writing, in the course of the Governor's official functions or the
133 Legislative Program Review and Investigations Committee, the joint
134 standing committee of the General Assembly having cognizance of
135 matters relating to the judiciary and the select committee of the
136 General Assembly having cognizance of matters relating to children
137 when requested in the course of said committees' official functions in
138 writing, and upon a majority vote of said committee, provided no
139 names or other identifying information shall be disclosed unless it is
140 essential to the legislative or gubernatorial purpose, (8) a local or
141 regional board of education, provided the records are limited to
142 educational records created or obtained by the state or Connecticut-
143 Unified School District #2, established pursuant to section 17a-37, (9) a

144 party in a custody proceeding under section 17a-112 or 46b-129, in the
145 Superior Court where such records concern a child who is the subject
146 of the proceeding or the parent of such child, (10) the Chief Child
147 Protection Attorney, or his or her designee, for purposes of ensuring
148 competent representation by the attorneys whom the Chief Child
149 Protection Attorney contracts with to provide legal and guardian ad
150 litem services to the subjects of such records and to ensure accurate
151 payments for services rendered by such contract attorneys, and (11)
152 the Department of Motor Vehicles, for purposes of checking the state's
153 child abuse and neglect registry pursuant to subsection (e) of section
154 14-44. A disclosure under this section shall be made of any part of a
155 record, whether or not created by the department, provided no
156 confidential record of the Superior Court shall be disclosed other than
157 the petition and any affidavits filed therewith in the superior court for
158 juvenile matters, except upon an order of a judge of the Superior Court
159 for good cause shown. The commissioner shall also disclose the name
160 of any individual who cooperates with an investigation of a report of
161 child abuse or neglect to such law enforcement agency or state's
162 attorney for purposes of investigating or prosecuting an allegation of
163 child abuse or neglect. The commissioner or the commissioner's
164 designee shall, upon request, subject to the provisions of sections 17a-
165 101g and 17a-101k, promptly provide copies of records, without the
166 consent of the person, to (A) the Department of Public Health for the
167 purpose of determining the suitability of a person to care for children
168 in a facility licensed under sections 19a-77 to 19a-80, inclusive, 19a-82
169 to 19a-87, inclusive, and 19a-87b, and (B) the Department of Social
170 Services for determining the suitability of a person for any payment
171 from the department for providing child care.

172 (g) When the commissioner or his designee determines it to be in a
173 person's best interest, the commissioner or his designee may disclose
174 records, whether or not created by the department and not otherwise
175 privileged or confidential communications under state or federal law,
176 without the consent of a person to:

177 (1) Multidisciplinary teams which are formed to assist the

178 department in investigation, evaluation or treatment of child abuse
179 and neglect cases or a multidisciplinary provider of professional
180 treatment services under contract with the department for a child
181 referred to the provider;

182 (2) Any agency in another state which is responsible for
183 investigating or protecting against child abuse or neglect for the
184 purpose of investigating a child abuse case;

185 (3) An individual, including a physician, authorized pursuant to
186 section 17a-101f to place a child in protective custody if such
187 individual has before him a child whom he reasonably suspects may
188 be a victim of abuse or neglect and such individual requires the
189 information in a record in order to determine whether to place the
190 child in protective custody;

191 (4) An individual or public or private agency responsible for a
192 person's care or custody and authorized by the department to
193 diagnose, care for, treat or supervise a child who is the subject of a
194 record of child abuse or neglect or a public or private agency
195 responsible for a person's education for a purpose related to the
196 individual's or agency's responsibilities;

197 (5) The Attorney General or any assistant attorney general
198 providing legal counsel for the department;

199 (6) Individuals or public or private agencies engaged in medical,
200 psychological or psychiatric diagnosis or treatment of a person
201 perpetrating the abuse or who is unwilling or unable to protect the
202 child from abuse or neglect when the commissioner or his designee
203 determines that the disclosure is needed to accomplish the objectives
204 of diagnosis or treatment;

205 (7) A person who reports child abuse pursuant to sections 17a-101a
206 to 17a-101c, inclusive, and section 17a-103, who made a report of abuse
207 involving the subject child, provided the information disclosed is
208 limited to (A) the status of the investigation and (B) in general terms,

209 any action taken by the department;

210 (8) An individual conducting bona fide research, provided no
211 information identifying the subjects of records shall be disclosed
212 unless (A) such information is essential to the purpose of the research;
213 (B) each person identified in a record or his authorized representative
214 has authorized such disclosure in writing; and (C) the department has
215 given written approval;

216 (9) The Auditors of Public Accounts or their representative,
217 provided no information identifying the subjects of the records shall be
218 disclosed unless such information is essential to an audit conducted
219 pursuant to section 2-90;

220 (10) The Department of Social Services, provided the information
221 disclosed is necessary to promote the health, safety and welfare of the
222 child;

223 (11) A judge of the Superior Court for purposes of determining the
224 appropriate disposition of a child convicted as delinquent or a child
225 who is a member of a family with service needs; and

226 (12) The superintendents, or their designees, of state-operated
227 facilities within the department.

228 (h) The commissioner or his designee may disclose the name,
229 address and fees for services to a person, to individuals or agencies
230 involved in the collection of fees for such services, except as provided
231 in section 17b-225. In cases where a dispute arises over such fees or
232 claims or where additional information is needed to substantiate the
233 fee or claim, such disclosure of further information shall be limited to
234 the following: (1) That the person was in fact committed to or
235 otherwise served by the department; (2) dates and duration of service;
236 and (3) a general description of the service, which shall include
237 evidence that a service or treatment plan exists and has been carried
238 out and evidence to substantiate the necessity for admission and
239 length of stay in any institution or facility.

240 (i) Notwithstanding the provisions of subsections (f) and (l) of this
241 section, the name of an individual reporting child abuse or neglect
242 shall not be disclosed without his written consent except to (1) an
243 employee of the department responsible for child protective services or
244 the abuse registry; (2) a law enforcement officer; (3) an appropriate
245 state's attorney; (4) an appropriate assistant attorney general; (5) a
246 judge of the Superior Court and all necessary parties in a court
247 proceeding pursuant to section 46b-129, or a criminal prosecution
248 involving child abuse or neglect; or (6) a state child care licensing
249 agency, executive director of any institution, school or facility or
250 superintendent of schools pursuant to section 17a-101i.

251 (j) Notwithstanding the provisions of subsection (g) of this section,
252 the name of any individual who cooperates with an investigation of a
253 report of child abuse or neglect shall be kept confidential upon request
254 or upon determination by the department that disclosure of such
255 information may be detrimental to the safety or interests of the
256 individual, except the name of any such individual shall be disclosed
257 to the persons listed in subsection (i) of this section.

258 (k) Notwithstanding the confidentiality provisions of this section,
259 the commissioner, upon request of an employee, shall disclose such
260 records to such employee or his authorized representative which
261 would be applicable and necessary for the purposes of an employee
262 disciplinary hearing or appeal from a decision after such hearing.

263 (l) Information disclosed from a person's record shall not be
264 disclosed further without the written consent of the person, except if
265 disclosed to a party or his counsel pursuant to an order of a court in
266 which a criminal prosecution or an abuse, neglect, commitment or
267 termination proceeding against the party is pending. A state's attorney
268 shall disclose to the defendant or his counsel in a criminal prosecution,
269 without the necessity of a court order, exculpatory information and
270 material contained in such record and may disclose, without a court
271 order, information and material contained in such record which could
272 be the subject of a disclosure order. All written records disclosed to

273 another individual or agency shall bear a stamp requiring
274 confidentiality in accordance with the provisions of this section. Such
275 material shall not be disclosed to anyone without written consent of
276 the person or as provided by this section. A copy of the consent form
277 specifying to whom and for what specific use the record is disclosed or
278 a statement setting forth any other statutory authorization for
279 disclosure and the limitations imposed thereon shall accompany such
280 record. In cases where the disclosure is made orally, the individual
281 disclosing the information shall inform the recipient that such
282 information is governed by the provisions of this section.

283 (m) In addition to the right of access provided in section 1-210, any
284 person, regardless of age, his authorized representative or attorney
285 shall have the right of access to any records made, maintained or kept
286 on file by the department, whether or not such records are required by
287 any law or by any rule or regulation, when those records pertain to or
288 contain information or materials concerning the person seeking access
289 thereto, including but not limited to records concerning investigations,
290 reports, or medical, psychological or psychiatric examinations of the
291 person seeking access thereto, provided that (1) information
292 identifying an individual who reported abuse or neglect of a person,
293 including any tape recording of an oral report pursuant to section 17a-
294 103, shall not be released unless, upon application to the Superior
295 Court by such person and served on the Commissioner of Children
296 and Families, a judge determines, after in camera inspection of
297 relevant records and a hearing, that there is reasonable cause to believe
298 the reporter knowingly made a false report or that other interests of
299 justice require such release; and (2) if the commissioner determines
300 that it would be contrary to the best interests of the person or his
301 authorized representative or attorney to review the records, he may
302 refuse access by issuing to such person or representative or attorney a
303 written statement setting forth the reasons for such refusal, and advise
304 the person, his authorized representative or attorney of the right to
305 seek judicial relief. When any person, attorney or authorized
306 representative, having obtained access to any record, believes there are
307 factually inaccurate entries or materials contained therein, he shall

308 have the unqualified right to add a statement to the record setting
309 forth what he believes to be an accurate statement of those facts, and
310 said statement shall become a permanent part of said record.

311 (n) (1) Any person, attorney or authorized representative aggrieved
312 by a violation of subsection (b), (f), (g), (h), (i), (j) or (l) of this section or
313 of subsection (m) of this section, except subdivision (2) of said
314 subsection (m), may seek judicial relief in the same manner as
315 provided in section 52-146j; (2) any person, attorney or authorized
316 representative denied access to records by the commissioner under
317 subdivision (2) of subsection (m) of this section may petition the
318 superior court for the venue district provided in section 46b-142 in
319 which the person resides for an order requiring the commissioner to
320 permit access to those records, and the court after hearing, and an in
321 camera review of the records in question, shall issue such an order
322 unless it determines that to permit such access would be contrary to
323 the best interests of the person or authorized representative.

324 (o) The commissioner shall promulgate regulations pursuant to
325 chapter 54, within one year of October 1, 1996, to establish procedures
326 for access to and disclosure of records consistent with the provisions of
327 this section.]

328 (f) The name of any individual who reports suspected abuse or
329 neglect of a child or youth or cooperates with an investigation of child
330 abuse or neglect shall be kept confidential upon request or upon
331 determination by the department that disclosure of such information
332 may be detrimental to the safety or interests of the individual, except
333 the name of any such individual shall be disclosed (1) to (A) an
334 employee of the department for reasons reasonably related to the
335 business of the department; (B) a law enforcement officer for purposes
336 of investigating abuse or neglect of a child or youth; (C) a state's
337 attorney for purposes of investigating or prosecuting abuse or neglect
338 of a child; (D) an assistant attorney general or other legal counsel
339 representing the department; (E) a judge of the Superior Court and all
340 necessary parties in a court proceeding pursuant to section 17a-112, as

341 amended by this act, or section 46b-129 of the 2008 supplement to the
342 general statutes, or a criminal prosecution involving child abuse or
343 neglect; (F) a state child care licensing agency; or (G) the executive
344 director of any institution, school or facility or superintendent of
345 schools pursuant to section 17a101i; and (2) in accordance with the
346 provisions of subparagraph (B) of subdivision (1) of subsection (g) of
347 this section.

348 (g) The department, subject to subsection (c) of this section, shall
349 disclose records without the consent of the person who is the subject of
350 the record to:

351 (1) A person who is named in the record or such person's
352 authorized representative, provided (A) such person only has access to
353 information about such person or such person's biological or adoptive
354 minor children and provided such person's parental rights to such
355 children have not been terminated; and (B) information identifying an
356 individual who reported abuse or neglect of a person, including any
357 tape recording of an oral report pursuant to section 17a-103, is not
358 disclosed unless, upon application to the Superior Court by such
359 person and served on the Commissioner of Children and Families, a
360 judge determines after an in camera inspection of relevant records and
361 a hearing, that there is reasonable cause to believe the reporter
362 knowingly made a false report or that other interests of justice require
363 such disclosure;

364 (2) Any employee of the department for any purpose reasonably
365 related to the business of the department;

366 (3) A guardian ad litem or attorney appointed to represent a child or
367 youth in any court in litigation affecting the best interests of the child
368 or youth;

369 (4) An employee or former employee of the department or such
370 employee or former employee's authorized representative for purposes
371 of participating in litigation in any court or in any administrative or
372 disciplinary hearing or other proceeding or appeal from decision after

373 such hearing, provided such disclosure shall be limited to those
374 records that are applicable and necessary for the purpose of such
375 hearing or appeal, as determined by the department;

376 (5) The Attorney General, any assistant attorney general or any
377 other legal counsel retained to represent the department during the
378 course of a legal proceeding involving the department or an individual
379 employee of the department;

380 (6) The Child Advocate or the Child Advocate's designee;

381 (7) The Chief Child Protection Attorney or the Chief Child
382 Protection Attorney's designee;

383 (8) The Chief State's Attorney or the Chief State's Attorney's
384 designee for purposes of investigating or prosecuting an allegation of
385 child abuse or neglect, provided such prosecuting authority shall have
386 access to such records of a delinquency defendant who is not being
387 charged with an offense related to child abuse only while the case is
388 being prosecuted and after obtaining a release;

389 (9) Any state or federal law enforcement officer for purposes of
390 investigating an allegation of child abuse or neglect;

391 (10) Multidisciplinary teams pursuant to the provisions of section
392 17a-106a;

393 (11) Any provider of professional services for a child or youth or
394 parent referred to the provider, provided disclosure is limited to such
395 information necessary to provide services to the child or youth or
396 parent;

397 (12) Any individual or agency under contract with the department
398 for the purpose of identifying and assessing potential foster or
399 prospective adoptive homes for a child or youth who is the subject of
400 the record, provided no information that identifies a biological parent
401 of a child or youth is further disclosed without the permission of such
402 biological parent;

403 (13) Any foster parent or prospective adoptive parent, if the records
404 pertain to a child or youth currently placed with the foster or
405 prospective adoptive parent, or a child or youth being considered for
406 placement with the foster or prospective adoptive parent and the
407 records relate to the social, medical, psychological or educational
408 needs of the child or youth, provided no information identifying a
409 biological parent is disclosed without the permission of such biological
410 parent;

411 (14) The Governor, when requested in writing, in the course of the
412 Governor's official functions, or the Legislative Program Review and
413 Investigations Committee, the joint standing committees of the General
414 Assembly having cognizance of matters relating to human services and
415 the judiciary and the select committee of the General Assembly having
416 cognizance of matters relating to children, when requested in writing,
417 in the course of such committees' official functions, and upon a
418 majority vote of said committees, provided no names or other
419 identifying information is disclosed unless it is essential to the
420 gubernatorial or legislative purpose;

421 (15) The Department of Public Health, subject to the provisions of
422 sections 17a-101g and 17a-101k, as amended by this act, for the
423 purpose of (A) determining the suitability of a person to care for
424 children in a facility licensed pursuant to section 19a-77, 19a-80 or 19a-
425 87b of the 2008 supplement to the general statutes; or (B) determining
426 the suitability of such person for licensure;

427 (16) The Department of Social Services, subject to the provisions of
428 sections 17a-101g and 17a-101k, as amended by this act, for the
429 purpose of (A) determining the suitability of a person for any payment
430 from the Department of Social Services for providing child care; or (B)
431 promoting the health, safety and welfare of the child or youth;

432 (17) The Department of Developmental Services for the purposes of
433 eligibility and enrollment of clients in the voluntary services program
434 operated by the Department of Developmental Services;

435 (18) Any state agency which licenses or certifies a person to educate
436 or care for children or youth, subject to the provisions of sections 17a-
437 101g and 17a-101k, as amended by this act, concerning nondisclosure
438 of findings of responsibility for abuse and neglect;

439 (19) Any individual, including a physician, authorized pursuant to
440 section 17a-101f, to place a child or youth in protective custody if such
441 individual has before him or her a child or youth whom the individual
442 reasonably suspects may be the victim of abuse or neglect and such
443 individual requires the information in a record in order to determine
444 whether to place the child or youth in protective custody;

445 (20) An individual who reports child abuse pursuant to sections
446 17a-101a to 17a-101c, inclusive, and 17a-103, who made a report of
447 abuse involving the subject child or youth, provided the information
448 disclosed is limited to (A) the status of the investigation; and (B) in
449 general terms, any action taken by the department;

450 (21) Any employee of the Board of Pardons and Paroles, the
451 Department of Correction or the Judicial Branch for the purpose of
452 assessing treatment needs and determining terms or conditions of
453 pretrial release, pretrial or postdisposition detention or incarceration,
454 probation or parole;

455 (22) A judge of the Superior Court or Probate Court and all
456 necessary parties in a custody proceeding where such records concern
457 the child or youth who is the subject of the proceeding or the parent of
458 such child or youth;

459 (23) A judge of the Superior Court for purposes of determining the
460 appropriate disposition of a child convicted as delinquent or a child
461 who is a member of a family with service needs, or a judge of the
462 Superior Court in a criminal prosecution for purposes of in camera
463 inspection whenever (A) the court has ordered that the record be
464 provided to the court; or (B) a party to the proceeding has issued a
465 subpoena for the record;

466 (24) Individuals or public or private agencies engaged in medical,
467 psychological or psychiatric diagnosis or treatment of a person who
468 has perpetrated abuse or neglect or who is unwilling or unable to
469 protect the child or youth from abuse or neglect when the
470 commissioner, or the commissioner's designee, determines that the
471 disclosure is needed to accomplish the objectives of diagnosis or
472 treatment;

473 (25) Any court or public agency in another state or a federally
474 recognized Indian tribe, which is responsible for investigating or
475 protecting children against child abuse or neglect or providing services
476 to families at risk of abuse or neglect, for the purpose of investigating
477 or protecting children against abuse or neglect or providing services to
478 such family;

479 (26) An individual conducting bona fide research, provided no
480 information identifying the subjects of record is disclosed unless (A)
481 such information is essential to the purpose of the research; and (B) the
482 department has given written approval;

483 (27) The Auditors of Public Accounts or their representative,
484 provided no information identifying the subjects of the record is
485 disclosed unless such information is essential to an audit conducted
486 pursuant to section 2-90;

487 (28) Individuals or agencies involved in the collection of fees for
488 services, provided such information is limited to the name and address
489 of the person who received the services and the fees for services,
490 except as provided in section 17b-225 of the 2008 supplement. In cases
491 where a dispute arises over such fees or claims or where additional
492 information is needed to substantiate the fee or claim, such disclosure
493 of further information shall be limited to the following: (A) That the
494 person was, in fact, provided services by the department; (B) dates and
495 duration of service; and (C) a general description of the service, which
496 includes evidence that a service or treatment plan exists and has been
497 carried out, and evidence to substantiate the necessity for admission
498 and length of stay in any institution or facility;

499 (29) A local or regional board of education, provided the records are
500 limited to educational records created or obtained by the state or
501 Connecticut-Unified School District #2, established pursuant to section
502 17a-37;

503 (30) The Department of Motor Vehicles for the purpose of criminal
504 history records checks pursuant to subsection (e) of section 14-44 of the
505 2008 supplement to the general statutes; and

506 (31) The Department of Mental Health and Addiction Services for
507 the purpose of treatment planning for young adults who have
508 transitioned from the care of the Department of Children and Families.

509 (h) The department, subject to subsection (c) of this section, may
510 disclose records without the consent of the person who is the subject of
511 the record to:

512 (1) A law enforcement officer or state's attorney if there is
513 reasonable cause to believe that a child or youth is being abused or
514 neglected or at risk of being abused or neglected as a result of any
515 suspected criminal activity by any person;

516 (2) Any individual interviewed as part of an investigation
517 conducted pursuant to section 17a-101g, who is not otherwise entitled
518 to such information provided such information, is limited to: (A) The
519 general nature of the allegations contained in the reports; (B) the
520 identity of the child or youth alleged to have been abused or neglected;
521 (C) the identity of the alleged perpetrator; and (D) information
522 necessary to further the course of the investigation;

523 (3) School employees who (A) are mental health professionals, as
524 described in section 10-76t, or (B) have direct responsibility for
525 implementing the educational program of the child or youth receiving
526 services from the department, provided such disclosure is limited to
527 information reasonably necessary to provide educational services to
528 the child or youth;

529 (4) Any individual, when information concerning an incident of

530 abuse or neglect has been made public or the commissioner reasonably
531 believes publication of such information is likely, provided such
532 disclosure is limited to: (A) Whether the department has received a
533 report in accordance with sections 17a-101a to 17a-101c, inclusive, or
534 section 17a-103; (B) in general terms, any action taken by the
535 department, provided: (i) Names or other individually identifiable
536 information of the minor victim or other family members is not
537 disclosed, regardless of whether such individually identifiable
538 information is otherwise available, and (ii) the name or other
539 individually identifiable information of the person suspected to be
540 responsible for the abuse or neglect is not disclosed unless such person
541 has been arrested for a crime due to such abuse or neglect; (C)
542 confirmation or denial of the accuracy of information that has been
543 made public; and (D) in general terms, the legal status of the case;

544 (5) Any individual for the purpose of locating a missing parent,
545 child or youth, provided such disclosure is limited to information that
546 assists in locating such missing parent, child or youth;

547 (6) Any individual, when the information or findings concern an
548 incident of abuse or neglect that resulted in a child or youth fatality or
549 near fatality of a child or youth, and provided disclosure of such
550 information or findings is in general terms and does not jeopardize a
551 pending investigation;

552 (7) A court of competent jurisdiction whenever an employee of the
553 department is subpoenaed and ordered to testify about such records;
554 and

555 (8) Individuals not employed by the department who arrange,
556 perform or assist in performing functions or activities on behalf of the
557 department, including, but not limited to, data analysis, processing or
558 administration, utilization reviews, quality assurance, practice
559 management, consultation, data aggregation and accreditation
560 services.

561 (i) Notwithstanding the provisions of subsections (e) to (h),

562 inclusive, of this section, the department may refuse to disclose records
563 to any individual provided the department gives such individual
564 notice (1) that records are being withheld, (2) of the general nature of
565 the records being withheld, (3) of the department's reason for refusing
566 to disclose the records, and (4) of the individual's right to judicial relief
567 pursuant to subsection (j) of this section.

568 (j) Any person or the person's authorized representative, (1)
569 aggrieved by a violation of subsection (b), (d), (f) to (h), inclusive, or (l)
570 of this section may seek judicial relief in the manner prescribed in
571 section 52-146j; or (2) denied access to records by the department
572 under subsection (i) of this section, may petition the superior court for
573 juvenile matters for the venue district, established pursuant to section
574 46b-142, in which the person resides for an order requiring the
575 commissioner to permit access to those records, and the court, after
576 hearing and an in camera review of the records in question, shall issue
577 such order unless it determines that permitting such disclosure of all
578 or any portion of the record (A) would be contrary to the best interests
579 of the person, the person's authorized representative or the person
580 who is the subject of the record; (B) could reasonably result in the risk
581 of harm to any person; or (C) would contravene the public policy of
582 the state.

583 (k) A party to a civil proceeding may petition the superior court for
584 juvenile matters for the venue district, established pursuant to section
585 46b-142, in which the party resides for an order authorizing disclosure
586 of the record of another party to the civil proceeding, provided the
587 court, after in camera inspection, finds the records are material and
588 relevant to those proceedings and that good cause exists to disclose
589 such records. For purposes of this subsection, good cause exists, but is
590 not limited to, situations in which there are no other available means of
591 obtaining the information sought in such record by the party seeking
592 such record.

593 (l) All written records disclosed to another individual or agency
594 shall bear a stamp requiring confidentiality in accordance with the

595 provisions of this section. Such material shall not be disclosed to
596 anyone without written consent of the person or as provided by this
597 section. A copy of the consent form, specifying to whom and for what
598 specific use the record is disclosed or a statement setting forth any
599 other statutory authorization for disclosure and the limitations
600 imposed on such disclosure, shall accompany such record. In cases
601 where the disclosure is made orally, the individual disclosing the
602 information shall inform the recipient that such information is
603 governed by the provisions of this section.

604 (m) When any person, attorney or authorized representative, having
605 obtained access to any record, believes there are factually inaccurate
606 entries or materials contained in such record, such person may add a
607 statement to the record setting forth what such person believes to be an
608 accurate statement of those facts and said statement shall become a
609 permanent part of such record.

610 Sec. 3. Subsection (a) of section 17a-112 of the general statutes is
611 repealed and the following is substituted in lieu thereof (*Effective*
612 *October 1, 2008*):

613 (a) In respect to any child in the custody of the Commissioner of
614 Children and Families in accordance with section 46b-129, section 45a-
615 607 of the 2008 supplement to the general statutes or section 45-610,
616 either the commissioner, or the attorney who represented such child in
617 a pending or prior proceeding, or an attorney appointed by the
618 Superior Court on its own motion, or an attorney retained by such
619 child after attaining the age of fourteen, may petition the court for the
620 termination of parental rights with reference to such child. The petition
621 shall be in the form and contain the information set forth in subsection
622 (b) of section 45a-715, and be subject to the provisions of subsection (c)
623 of said section. If a petition indicates that either or both parents
624 consent to the termination of their parental rights, or if at any time
625 following the filing of a petition and before the entry of a decree, a
626 parent consents to the termination of the parent's parental rights, each
627 consenting parent shall acknowledge such consent on a form

628 promulgated by the Office of the Chief Court Administrator
629 evidencing that the parent has voluntarily and knowingly consented to
630 the termination of such parental rights. No consent to termination by a
631 mother shall be executed within forty-eight hours immediately after
632 the birth of such mother's child. A parent who is a minor shall have the
633 right to consent to termination of parental rights and such consent
634 shall not be voidable by reason of such minority. A guardian ad litem
635 shall be appointed by the court to assure that such minor parent is
636 giving an informed and voluntary consent.

637 Sec. 4. Section 45a-608 of the general statutes is repealed and the
638 following is substituted in lieu thereof (*Effective October 1, 2008*):

639 Any person or organization awarded the temporary custody of a
640 minor under section 45a-607 of the 2008 supplement to the general
641 statutes, shall have the following rights and duties regarding the
642 minor: (1) The obligation of care and control; (2) the authority to make
643 decisions regarding routine medical treatment or school counseling
644 and emergency medical, psychological, psychiatric or surgical
645 treatment; and (3) other rights and duties which the court of probate
646 having jurisdiction may approve. A party shall have the right to move
647 that the matter be transferred to the superior court for juvenile matters
648 in accordance with the provisions of section 45a-623, as amended by
649 this act.

650 Sec. 5. Section 45a-623 of the general statutes is repealed and the
651 following is substituted in lieu thereof (*Effective October 1, 2008*):

652 In any proceeding under sections 45a-603 to 45a-622, inclusive, that
653 is contested, the Court of Probate shall, upon motion of any party other
654 than a party who made application for the removal of a parent as a
655 guardian, under rules adopted by the judges of the Supreme Court, or
656 upon motion of the Department of Children and Families whether or
657 not said department has been awarded temporary custody or
658 guardianship of the child, transfer the case to the Superior Court. In
659 addition to the provisions of this section, the Court of Probate may, on
660 the court's own motion or that of any interested party, transfer any

661 proceeding under sections 45a-603 to 45a-622, inclusive, to another
662 judge of probate, which judge shall be appointed by the Probate Court
663 Administrator from a panel of qualified probate judges who specialize
664 in children's matters. Such panel shall be proposed by the Probate
665 Court Administrator and approved by the executive committee of the
666 Connecticut Probate Assembly. If the case is transferred and venue
667 altered, the clerk of the Court of Probate shall transmit to the clerk of
668 the Superior Court, or the probate court to which the case was
669 transferred, the original files and papers in the case.

670 Sec. 6. Section 17a-59 of the general statutes is repealed and the
671 following is substituted in lieu thereof (*Effective July 1, 2008*):

672 (a) Not more than twenty-four hours after taking physical custody
673 of the infant the designated employee shall notify, in accordance with
674 the provisions of sections 17a-101a to 17a-101d, inclusive, the
675 Department of Children and Families of such custody.

676 (b) The Commissioner of Children and Families shall assume the
677 care and control of the infant immediately upon receipt of notice under
678 subsection (a) of this section. [and] Any infant in the care and control
679 of the commissioner under the provisions of this section shall be
680 considered to be in the custody of the department and the department
681 shall take any action authorized under state law to achieve safety and
682 permanency for the infant, including institution of legal proceedings
683 for guardianship or termination of parental rights and notification of
684 such legal proceedings to any parent of the child whose identity is
685 known to the department.

686 [(c) Any infant in the care and control of the commissioner under
687 the provisions of this section shall be considered to be in the custody of
688 the department.]

689 Sec. 7. Section 17a-60 of the general statutes is repealed and the
690 following is substituted in lieu thereof (*Effective July 1, 2008*):

691 (a) If a person claiming to be a parent or agent of an infant left with

692 a designated employee under section 17a-58 submits a request to the
693 Commissioner of Children and Families for reunification with the
694 infant, the commissioner may identify, contact and investigate such
695 person or agent to determine if such reunification is appropriate or if
696 the parental rights of the parent should be terminated.

697 (b) Information concerning a parent or agent or infant left with a
698 designated employee shall [be confidential] not be disclosed by the
699 designated employee, if so requested by the parent or agent, except
700 that notwithstanding any provision of the general statutes, such
701 employee shall provide to the Commissioner of Children and Families
702 all medical history information provided by the parent.

703 (c) Possession of a bracelet linking the parent or agent to an infant
704 left with a designated employee if parental rights have not been
705 terminated creates a presumption the parent or person has standing to
706 participate in a custody hearing for the infant under chapter 319a and
707 does not create a presumption of maternity, paternity or custody.

708 Sec. 8. Subdivision (1) of subsection (c) of section 17a-101k of the
709 general statutes is repealed and the following is substituted in lieu
710 thereof (*Effective October 1, 2008*):

711 (c) (1) Following a request for appeal, the commissioner or the
712 commissioner's designee shall conduct an internal review of the
713 recommended finding to be completed no later than thirty days after
714 the request for appeal is received by the department. The
715 commissioner or the commissioner's designee shall review all relevant
716 information relating to the recommended finding, to determine
717 whether the recommended finding is factually or legally deficient and
718 ought to be reversed. Prior to the review, the commissioner shall
719 provide the individual access to all relevant documents in the
720 possession of the commissioner regarding the finding of responsibility
721 for abuse or neglect of a child, as provided in [subsection (m) of]
722 section 17a-28 of the 2008 supplement to the general statutes, as
723 amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section
Sec. 2	<i>October 1, 2008</i>	17a-28
Sec. 3	<i>October 1, 2008</i>	17a-112(a)
Sec. 4	<i>October 1, 2008</i>	45a-608
Sec. 5	<i>October 1, 2008</i>	45a-623
Sec. 6	<i>July 1, 2008</i>	17a-59
Sec. 7	<i>July 1, 2008</i>	17a-60
Sec. 8	<i>October 1, 2008</i>	17a-101k(c)(1)

KID *Joint Favorable Subst. C/R*

HS

HS *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Depts. of Children & Families, Public Safety; Judicial Department	GF - None	None	None
Probate Court	PCAF - None	None	None

Note: GF=General Fund; PCAF=Probate Court Administration Fund

Municipal Impact: None

Explanation

Section 1 authorizes the Department of Children and Families (DCF) to access the federal Interstate Identification Index in circumstances involving the emergency placement of children. It also allows the DCF to request that the Department of Public Safety (DPS) conduct a state and national criminal history records check of any adult residing in the home of a child placed on an emergency basis. No fiscal impact is anticipated, as this codifies current practice.

Section 2 amends law related to the confidentiality of and access to DCF records, and will result in no fiscal impact.

Sections 3 - 5 require the transfer of contested guardianship and termination of parental rights cases from the probate court to the Superior Court upon request of DCF, and authorize a non-petitioner party in an uncontested probate guardianship case to request a similar transfer. There were 4,319 guardianship cases heard by the probate courts in FY 06; it is anticipated that this bill would result in the transfer of a small number of cases.

This transfer of cases would result in no fiscal impact to the Probate Court Administration Fund as fees and fee waivers associated with guardianship cases are collected upon initial application to the probate

court and would therefore have already been received prior to case transfers. The Superior Court could accommodate any caseload increase under these provisions without requiring additional resources.

Section 6 clarifies the role of the DCF under the Safe Havens Law, and **Section 7** modifies confidentiality provisions regarding these cases. These changes have no associated fiscal impact.

Section 8 makes a technical change to conform to Section 2 and has no associated fiscal impact.

The Out Years

No fiscal impact is anticipated in future years.

OLR Bill Analysis**sHB 5131*****AN ACT AMENDING THE STATUTES CONCERNING THE
DEPARTMENT OF CHILDREN AND FAMILIES.*****SUMMARY:**

This bill makes several unrelated changes in statutes applicable to the Department of Children and Families (DCF). It revises, updates, and reorganizes DCF's confidential records law. It also:

1. permits DCF to transfer termination of parental rights and guardianship cases from probate to Superior Court and expands the transfer rights of parties to these cases;
2. expressly allows DCF to temporarily place children with friends and relatives who have been cleared by an FBI instant criminal record check in emergencies, codifying current practice; and
3. makes minor changes in the Safe Havens law, which permits parents to turn their newborns over to hospital personnel without facing criminal liability for child abandonment.

It also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2008, except the Safe Havens provisions are effective July 1, 2008.

§§ 2 & 8 — CHANGES IN CONFIDENTIAL RECORDS LAW

In general, DCF cannot disclose information it creates or obtains in connection with its child protection activities or other activities related to a child while that child is in its care or custody without (1) obtaining permission from the subject of the record or an authorized representative or (2) legal authorization to do so without the subject's consent. Existing law specifies many officials and entities to whom

DCF must disclose information that would otherwise be confidential, in most cases stating the limited uses the recipients can make of the information. It also lists people and entities with whom DCF may share information when the commissioner or designee determines this is in the best interests of the person who is the subject of the record.

The bill adds additional officials and entities to both the mandatory and discretionary disclosure lists.

New Required Disclosures

Under the bill, DCF must disclose records without the subject's consent to:

1. DCF foster care and adoption contractors, for the purpose of identifying and assessing potential placements for the child who is the subject of the record, so long as no information that identifies biological parents is disclosed without their consent;
2. foster or prospective adoptive parents, but only records relating to social, medical, psychological, or educational needs of children currently placed with them or being considered for placement, and so long as no information that identifies biological parents is disclosed without their consent;
3. employees of the Board of Pardons and Paroles, Department of Correction, or Judicial Branch, for the purposes of assessing treatment needs and determining terms or conditions of pretrial release; pretrial or post disposition detention; or incarceration, probation, or parole;
4. employees of the Department of Mental Health and Addiction Services, for the purpose of treatment planning for young adults who have transitioned from DCF care;
5. private counsel retained to represent DCF during the course of a legal proceeding involving the department or a DCF employee;
6. Superior Court judges in criminal prosecutions, for purposes of

an in camera review if (a) the court has ordered that it given the record or (b) a party to the proceeding has subpoenaed the record;

7. employees of the Department of Developmental Services, for purposes of eligibility and enrollment of clients in its voluntary services program; and
8. courts or public agencies in other states and federally recognized Indian tribes which are responsible for child protection or provide services to families involved in the child welfare system.

The bill also expressly authorizes disclosure to any DCF employee for any purpose reasonably related to the department's business.

New Discretionary Disclosures

Under the bill, DCF is permitted to disclose records without the subject's consent to:

1. people it interviews in abuse and neglect investigations who are not otherwise entitled to this information, but disclosure is limited to the (a) general nature of the allegations, (b) child's identity, (c) alleged perpetrator, and (d) information necessary to further the course of the investigation;
2. mental health professionals who work for schools or have direct responsibility for implementing the educational plan of a child receiving DCF services, but disclosure is limited to information reasonably necessary for the provision of educational services;
3. people attempting to locate a missing parent or child, but disclosure is limited to information that assists them in doing so;
4. courts of competent jurisdiction, when a DCF employee has been subpoenaed to testify about the record's contents; and
5. people not employed by DCF who arrange, perform, or assist in performing functions or activities on DCF's behalf, including

data analysis, processing, aggregation, or administration; utilization review; quality assurance; practice management; consultation; and accreditation services.

Changes the Use That Can Be Made of Disclosed Records

Current law does not limit the use a law enforcement agency can make of records DCF discloses to it. The bill specifies that disclosure is for the purpose of investigating cases of suspected child abuse. It also gives DCF the discretion to disclose records to police and prosecutors when the department has reasonable cause to believe that a child is the victim of criminal abuse or neglect.

The bill also restricts prosecutors' access to juvenile delinquency records. Current law gives prosecutors access to records for purposes of investigating or prosecuting child abuse or neglect allegations. Under the bill, access to records concerning a delinquency defendant who is not being charged with an offense related to child abuse is permitted only (1) if the defendant signs a release and (2) while the case is being prosecuted.

Changes in Disclosure Procedures

People Who Can Authorize Disclosure on a Child's Behalf. The bill eliminates the authority of a parent whose parental rights have been terminated to view that child's records or give consent to its disclosure. It gives a child's current guardian ad litem (a person representing a child's best interests) access to the child's records and authority to authorize disclosure. Currently only the child's attorney, parent, guardian, or conservator can authorize disclosure of the contents of the child's records.

Disclosure When Incident Has Been Publicized. When an incident of abuse or neglect has been made public or the DCF commissioner reasonable believes this will occur, under current law she can disclose whether DCF received a complaint and a general description of actions it took, so long as she does not disclose personally identifying information about the (1) victim or family or (2)

suspected abuser unless that person has been arrested for the underlying conduct.

The bill also allows DCF to confirm or deny the accuracy of information that has been made public and generally describe the case's current legal status. It specifies that the prohibition on disclosing identifying information about victims and their families applies even when this information is available from other sources.

Disclosure in Custody Matters. Currently, DCF records must be disclosed to parties in custody matters involving abuse or neglect allegations. Under the bill, disclosure extends to all types of custody cases, including divorce, but only to necessary parties and judges.

Further Disclosure of Record. Current law prohibits information that is disclosed from a person's record from being further disclosed without consent unless it is disclosed pursuant to an order issued by a court in which a criminal prosecution or an abuse, neglect, commitment, or termination of parental rights proceeding involving the record's subject is pending. The bill permits further disclosure based on an order issued by any court of competent jurisdiction.

The bill permits parties to civil litigation to petition juvenile court for an order authorizing disclosure to other parties in the litigation. The court can grant the order after reviewing the records in question and determining that the records are material and relevant and that good cause for disclosure exists. It specifies that "good cause" includes situations in which the party seeking the record has no other means available to obtaining the information.

Denying Access to Records. Under current law, the DCF commissioner can refuse to disclose a record to the person who is its subject when she determines that disclosure is not in the person (or representative's) best interests, so long as she gives her reasons in writing and advises the person that he or she may challenge this action in court. Under the bill, she retains the authority to refuse to disclose records, but the basis for doing so is no longer restricted to

considerations of the requestor's best interests. When she refuses a request, the bill requires that she notify the requestor of the general nature of the records being withheld, in addition to providing her reasons and notice of judicial review options.

The bill also expands the reasons courts may use to uphold DCF's non-disclosure decisions. Currently, after a hearing and private review of the challenged records, the court must order disclosure unless it determines this could be contrary to the requestor or requestor representative's best interests. Under the bill, the court may also uphold the commission's non-disclosure decision when it determines that disclosure (1) would be contrary to the best interests of the person who is the subject of the record, (2) could reasonably result in the risk of harm to any person, or (3) would contravene the state's public policy.

§§ 3-5 — TRANSFERRING GUARDIANSHIP AND TERMINATION OF PARENTAL RIGHTS CASES TO SUPERIOR COURT

The bill expands the circumstances under which probate court cases that involve revoking a parent's guardianship of a child or terminating parental rights can be transferred to the Superior Court. Currently, contested cases must be transferred when a party who did not file the probate petition requests this. But DCF is not a party and cannot make transfer requests.

Under the bill, contested cases must also be transferred at DCF's requests. And the probate court must transfer uncontested cases in the same manner as contested cases.

§ 1 — FBI NAME-BASED CRIMINAL RECORDS CHECKS FOR EMERGENCY CHILD PLACEMENTS

State and federal law prohibit DCF from placing children in homes without conducting a fingerprint-based criminal records check of all adults living there. This bill codifies DCF's ability to use the FBI's instant name-based data base of people who have been arrested for felonies and serious misdemeanors when it seeks to place children with people who know them (such as relatives, friends, or neighbors)

when their primary caretaker becomes suddenly unable to care for them. It authorizes DCF to request a criminal justice agency (presumably the state police) to perform the check and share the results with the department.

Under the bill, DCF may later request that the state police conduct fingerprint-based state and national criminal history checks of household members. It must make the request within 15 days of the date the name-based check was conducted and follow existing statutory procedures for submitting fingerprints and paying for those checks. DCF must remove children if any adult refuses a request to (1) give written permission for the records check or (2) provide fingerprints.

When DCF denies an emergency placement or removes a child from a household based on the results of a name-based criminal history check, this bill allows the resident whose reported criminal history resulted in the denial to challenge the denial by requesting the State Police Bureau of Identification to conduct a fingerprint-based check following procedures specified in existing law. The subject must do this within 15 days of the date on which the name-based check was conducted.

§§ 6-7 — SAFE HAVENS

Connecticut's Safe Havens for Newborns Act allows a parent to voluntarily give up custody of an infant, age 31 days or younger, to the nursing staff of a Connecticut hospital emergency room without being subject to arrest for abandonment. This bill makes express DCF's authority to initiate guardianship or termination of parental rights proceedings on behalf of infants who come into its custody under the Safe Havens Program. The department must notify parents whose identities it knows when it brings a case in court. The department can already take any action authorized under state law to achieve safety and permanency for these infants.

The bill also lifts restrictions on hospital employees' ability to

disclose information about the parent or parent's representative who left the baby with him or her. Under current law, this information (other than medical history information the parent provides) is confidential. The bill, instead, bars designated Safe Haven employees from disclosing information about a parent or parent's representative when that person has requested confidentiality.

BACKGROUND

Criminal Background History Checks for DCF Caregivers

The law prohibits DCF from placing children in households if any adult resident has been convicted of:

1. injury or risk of injury to a minor, impairing the morals of a minor, or similar offenses;
2. a violent crime against a person or similar offense;
3. within the last five years, possession, use, or sale of controlled substances; or
4. illegal use of a firearm or similar offense.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Substitute Change of Reference
Yea 9 Nay 0 (03/04/2008)

Human Services Committee

Joint Favorable
Yea 18 Nay 0 (03/18/2008)